

Mayerson & Hartheimer, PLLC.

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Counsel for Debtor and Debtor in Possession

In re:

BERNSOHN & FETNER LLC,

Debtor.

Chapter 11

Case No. 17-23707 (RDD)

**MONTHLY FEE STATEMENT OF
MAYERSON & HARTHEIMER, PLLC, AS COUNSEL FOR
THE DEBTOR AND DEBTOR IN POSSESSION FOR THE PERIOD
FROM MARCH 1, 2018 THROUGH AND INCLUDING MARCH 31, 2018**

Pursuant to section 327, 330 and 331 of chapter 11 of title 11 of the United States Code, Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of New York, *the Order Authorizing the Retention of Mayerson & Hartheimer, PLLC as Bankruptcy Counsel to Debtor Effective to the Petition Date*, dated January 18, 2018 [Docket No. 36], and *the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals*, dated January 17, 2018 [Docket No. 35], (the “Interim Compensation Order”), Mayerson & Hartheimer, PLLC (“M&H”), counsel for the above-captioned debtor and debtor in possession (the “Debtor”) hereby submits this *Monthly Fee Statement of Mayerson & Hartheimer, PLLC as Counsel to the Debtor and Debtor-in-*

Possession for the Period from March 1, 2018 Through and Including March 31, 2018 (this “Fee Statement”) seeking compensation for 80% of its legal fees and reimbursement of its expenses for such Fee Period.¹ Specifically, M&H seeks (i) interim allowance of \$18,810.00 for the reasonable and necessary legal services that M&H rendered to the Debtor during the Fee Period; (ii) compensation in the amount of \$15,048.00, which is 80% of the total amount of compensation sought for actual and necessary legal services rendered during the Fee Period (*i.e.* \$18,810.00), and (iii) the allowance and payment of \$159.15 for the actual and necessary expenses that M&H incurred in connection with such services during the Fee Period. M&H represents that Debtor has sufficient funds to pay this amount, and that M&H is holding no retainer to apply against the amounts due.

Itemization of Services Rendered and Disbursement Incurred

1. Attached hereto as **Exhibit A** is a schedule of M&H professionals, including the standard hourly rate for each attorney who rendered services to the Debtor in connection with this chapter 11 case during the Fee Period and the title, hourly rate, aggregate hours worked and the amount of fees earned by each professional.

2. Attached hereto as **Exhibit B** is a schedule for the Fee period setting forth the total amount of payment sought with respect to the expenses for which M&H is seeking payment in this Fee Statement. All of these disbursements comprise the requested sum for M&H’s out-of-pocket expenses, which total \$159.15.

3. Attached hereto as **Exhibit C** are the time records of M&H, which provide a

¹ The period from March 1, 2018, through and including March 31, 2018 is referred to herein as the “Fee Period”.

daily summary of time spent by each M&H professional during the Fee Period.

Notice

4. No trustee or examiner has been appointed in this case. Pursuant to the Interim Compensation Order, notice of this Fee Statement has been served upon: (a) the Debtor, 12 Van Houten Street, Upper Nyack, New York 10960, Attn. Steven Fetner; (b) the Office of the United States Trustee for the Southern District of New York, U.S. Federal Office Building, 201 Varick Street, Suite 1006, New York, New York 10014, Attn. Brian Masumoto, Esq.; (c) Counsel to Randall Bernsohn, Tannenbaum Helpert Syracuse & Hirschtritt LLP, 900 Third Avenue, New York, New York 10022, Attn. Richard W. Trotter, Esq.; and (d) to the extent not listed herein, those parties requesting to be a Notice Party for the Monthly Fee Statements. M&H submits that, in light of the nature of the relief requested, no other or further notice need be given. Pursuant to the Interim Compensation Order, said parties have fourteen (14) days to review this Fee Statement and apprise M&H of any objection.

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WHEREFORE, M&H, in connection with services rendered on behalf of the Debtor, respectfully requests (i) interim allowance of compensation for professional services rendered during the Fee Period, in the amount of \$18,810.00, and payment for expenses incurred in connection with such services, in the amount of \$159.15, (ii) payment in accordance with the procedures set forth in the Interim Compensations Order (*i.e.*, payment of 80% of the compensation sought in the amount of \$15,048.00) and payment of 100% of expenses incurred, in the amount of \$159.15.

New York, New York
Dated: April 10, 2018

MAYERSON & HARTHEIMER, PLLC,

By: /s/ David H. Hartheimer

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*Counsel for Debtor and Debtor in
Possession*

EXHIBIT A

**FEE STATEMENT OF MAYERSON &
HARTHEIMER, PLLC AS COUNSEL TO THE DEBTOR
AND DEBTOR IN POSSESSION (MARCH 1, 2018 – MARCH 31, 2018)**

The M&H attorneys and paraprofessionals who rendered services during the Fee Period are:

| TIME KEEPER | POSITION WITH THE APPLICANT | YEAR FIRST ADMITTED | HOURLY BILLING RATE* | TOTAL BILLED HOURS | TOTAL COMPENSATION |
|------------------------|-----------------------------------|---------------------------|----------------------------|--------------------------|-----------------------|
| David H. Hartheimer | Member | 1990 | \$600.00 | 25.10 | \$15,060.00 |
| Sandra E. Mayerson | Member | 1976 | \$600.00 | 3.60 | \$2,160.00 |
| Katy Mayerson | Paralegal | NA | \$100.00 | 15.90 | \$1,590.00 |
| TOTAL FOR TIME KEEPERS | | | | 44.60 | \$18,810.00 |

* Time Keepers' non-working travel time is billed at 50% of normal Hourly Billing Rate.

EXHIBIT B

EXHIBIT B EXPENSE REPORT

| Expense Date | Expense Type | Description | Cost Amount |
|------------------------------------|---------------------|--|--------------------|
| David Hartheimer | | | |
| 03/15/2018 | E108 | Postage for chamber's copy of monthly operating report. | \$1.96 |
| 03/16/2018 | E101 | Service copies of Notice of Presentment, Amended Vernon Retention Application, February Fee Statement, and Order Authorizing Vernon Retention. | \$58.00 |
| 03/16/2018 | E108 | Postage for service copies of Notice of Presentment, Amended Vernon Retention Application, February Fee Statement, and Order Authorizing Vernon Retention; Envelopes for service copies of same. | \$58.44 |
| 03/19/2018 | E103 | Printing bar date motion | \$7.00 |
| 03/20/2018 | E108 | Federal Express for sending tax restatement documents to Accountant. | \$33.75 |
| Totals For David Hartheimer | | | \$159.15 |
| Grand Total | | | \$159.15 |

EXHIBIT C

EXHIBIT C - TIME RECORDS

| Date | Activity | Description | Billable Time | Hourly Rate | Billable Amount |
|-------------------------|--|--|---------------|-------------|-----------------|
| David Hartheimer | | | | | |
| 03/03/2018 | A102 - Research | Legal research on [REDACTED] [REDACTED] | 1.30 | \$600.00 hr | \$780.00 |
| 03/05/2018 | A107 - Communicate (other outside counsel) | TC with Counsel to S. Fetner (M. Skala) regarding status and plan of action. | 0.10 | \$600.00 hr | \$60.00 |
| 03/05/2018 | A102 - Research | Legal research [REDACTED] | 0.50 | \$600.00 hr | \$300.00 |
| 03/05/2018 | A106 - Communicate (with client) | Meet with S. Mayerson, L. Patt and S. Fetner with M. Skalia on the phone, re status, Tax restatement, [REDACTED] [REDACTED] [REDACTED] | 2.20 | \$600.00 hr | \$1,320.00 |
| 03/06/2018 | A106 - Communicate (with client) | TC with S. Fetner re: [REDACTED] [REDACTED] | 0.10 | \$600.00 hr | \$60.00 |
| 03/12/2018 | A103 - Draft/revise | Draft motion to extend time to file plan and disclosure statement required by small business under 1121(e) | 1.20 | \$600.00 hr | \$720.00 |
| 03/12/2018 | A103 - Draft/revise | Draft email to Brian Masumoto re retention application of Vernon. | 0.10 | \$600.00 hr | \$60.00 |
| 03/13/2018 | A107 - Communicate (other outside counsel) | TC with L. Patt on restating taxes [REDACTED] [REDACTED] Review draft tax documents for restatement for preparation for TC. | 0.90 | \$600.00 hr | \$540.00 |
| 03/14/2018 | A103 - Draft/revise | Draft fee statement and exhibits. | 0.80 | \$600.00 hr | \$480.00 |
| 03/14/2018 | A108 - Communicate (other external) | Emails to U.S. Trustee on application for retention of Vernon. | 0.20 | \$600.00 hr | \$120.00 |
| 03/15/2018 | E108 - Postage | Postage for chamber's copy of monthly operating report. | \$1.96 | \$0.49 ea | \$1.96 |
| 03/15/2018 | A107 - Communicate (other outside counsel) | Review amended tax documents for restatement. Meet with L. Patt re restatement of taxes. | 1.50 | \$600.00 hr | \$900.00 |
| 03/15/2018 | A111 - Other | Attention to filing February 2018. Operating Report and emailing same to US trustee. Sending courtesy copy to court. | 0.20 | \$600.00 hr | \$120.00 |
| 03/15/2018 | A104 - Review/analyze | Review and revise fee statement. Review time entries for redaction. | 1.00 | \$600.00 hr | \$600.00 |
| 03/16/2018 | E108 - Postage | Postage for service copies of Notice of Presentment, Amended Vernon Retention Application, February Fee Statement, and Order Authorizing Vernon Retention; Envelopes for service copies of same. | \$58.44 | \$58.44 ea | \$58.44 |
| 03/16/2018 | E101 - Copying | Service copies of Notice of Presentment, Amended Vernon Retention Application, February Fee Statement, and Order Authorizing Vernon Retention. | \$58.00 | \$58.00 ea | \$58.00 |
| 03/16/2018 | A104 - Review/analyze | Review and revise February Fee Statement. | 0.20 | \$600.00 hr | \$120.00 |

| | | | | | |
|------------------------------------|--|---|---------|-------------|-------------|
| 03/16/2018 | A110 - Manage data/files | Attention to service of fee statement. | 0.40 | \$600.00 hr | \$240.00 |
| 03/16/2018 | A103 - Draft/revise | Finalize retention application for Vernon consulting. | 1.00 | \$600.00 hr | \$600.00 |
| 03/16/2018 | A103 - Draft/revise | Draft notice of presentment for Vernon retention application. | 0.50 | \$600.00 hr | \$300.00 |
| 03/16/2018 | A110 - Manage data/files | Attention to service of Vernon notice of presentment and retention application. | 0.50 | \$600.00 hr | \$300.00 |
| 03/16/2018 | A106 - Communicate (with client) | TC with calendar clerk re scheduling hearings, notice of presentment of Vernon retention application. | 0.20 | \$600.00 hr | \$120.00 |
| 03/19/2018 | E103 - Word processing | Printing bar date motion | \$7.00 | \$0.20 ea | \$7.00 |
| 03/19/2018 | A102 - Research | Review local rules and forms as well as court rules on motions for bar date orders. Drafting bar date order motion | 2.30 | \$600.00 hr | \$1,380.00 |
| 03/19/2018 | A109 - Appear for/attend | Meet with L. Patt and Steve Fetner [REDACTED] [REDACTED] Review proposed amendments of tax and other returns. Meet with L. Patt on tax restatement. Email to S. Fetner's counsel re tax restatement. | 2.70 | \$600.00 hr | \$1,620.00 |
| 03/20/2018 | E108 - Postage | Federal Express for sending tax restatement documents to Accountant. | \$33.75 | \$33.75 ea | \$33.75 |
| 03/20/2018 | A107 - Communicate (other outside counsel) | TC with M. Skala re B&F tax restatement. | 0.20 | \$600.00 hr | \$120.00 |
| 03/20/2018 | A106 - Communicate (with client) | TC with S. Fetner regarding conversation with M. Skala re tax restatement. | 0.10 | \$600.00 hr | \$60.00 |
| 03/20/2018 | A103 - Draft/revise | Draft letter to L. Fruchner re tax restatement and sending tax documents for principals personal tax amendments. | 0.30 | \$600.00 hr | \$180.00 |
| 03/20/2018 | A103 - Draft/revise | Review and revise Vernon fee statement. Filing fee statement on ECF | 0.80 | \$600.00 hr | \$480.00 |
| 03/23/2018 | A108 - Communicate (other external) | TC with Creditor requesting information on Vernon retention application. | 0.10 | \$600.00 hr | \$60.00 |
| 03/23/2018 | A108 - Communicate (other external) | TC with Arista Air conditioning regarding status of case and amount that debtor listed as their claim. Sending Arista the Vernon retention application. | 0.20 | \$600.00 hr | \$120.00 |
| 03/23/2018 | A103 - Draft/revise | Drafting bar order motion. | 1.50 | \$600.00 hr | \$900.00 |
| 03/26/2018 | A103 - Draft/revise | Review letter from Turkish the state court matter. Forward same to litigation counsel. | 0.20 | \$600.00 hr | \$120.00 |
| 03/27/2018 | A103 - Draft/revise | Drafting motion for bar date. | 3.50 | \$600.00 hr | \$2,100.00 |
| 03/29/2018 | A106 - Communicate (with client) | TC with S.Fetner re status and plan going forward as well as other issues. | 0.30 | \$600.00 hr | \$180.00 |
| Total Labor For David Hartheimer | | | | | \$15,060.00 |
| Total Expense For David Hartheimer | | | | | \$159.15 |
| Total For David Hartheimer | | | | | \$15,219.15 |
| Katy Mayerson | | | | | |
| 03/13/2018 | A104 - Review/analyze | Review and revision of all entries on monthly fee statement. | 3.00 | \$100.00 hr | \$300.00 |
| 03/14/2018 | A104 - Review/analyze | Review of entries for February 2018 fee statement for compliance. | 1.00 | \$100.00 hr | \$100.00 |

| | | | | | |
|--|-------------------------------------|--|------|-------------|-------------------|
| 03/14/2018 | A103 - Draft/revise | Drafting of February 2018 fee statement and accompanying exhibits. | 1.50 | \$100.00 hr | \$150.00 |
| 03/15/2018 | A104 - Review/analyze | Review of February fee statement and accompanying exhibits with S. Mayerson re redactions proposed by DHH and other revisions to formatting and time entries. | 0.20 | \$100.00 hr | \$20.00 |
| 03/15/2018 | A103 - Draft/revise | Revision of time entries to be included in Exhibits B and C to February fee statement (0.50); Drafting and revision of Exhibits B and C (1.50). | 1.30 | \$100.00 hr | \$130.00 |
| 03/15/2018 | A103 - Draft/revise | Drafting, revision, and formatting of February fee statement and Exhibits A, B, and C to same. | 1.30 | \$100.00 hr | \$130.00 |
| 03/15/2018 | A104 - Review/analyze | Review of February fee statement and accompanying exhibits with DHH re suggested redactions and other revisions to formatting and time entries. | 1.30 | \$100.00 hr | \$130.00 |
| 03/15/2018 | A108 - Communicate (other external) | Preparation of Chambers copy of monthly operations report and attention to filing and serving same. | 0.50 | \$100.00 hr | \$50.00 |
| 03/16/2018 | A103 - Draft/revise | Execution of final revisions and redactions to February 2018 fee statement and accompanying exhibits and final proofreading of same. | 1.50 | \$100.00 hr | \$150.00 |
| 03/16/2018 | A103 - Draft/revise | Proofreading of Amended Vernon Retention Application, Order Authorizing Vernon Retention, and Notice of Presentment (1.00); Execution of revisions re same (0.80). | 1.80 | \$100.00 hr | \$180.00 |
| 03/16/2018 | A108 - Communicate (other external) | Preparation of service copies of Fee Statement, Notice of Presentment, Amended Vernon Retention Application, and Order Authorizing Vernon Retention (1.50); Attention to filing and serving same (1.00). | 2.50 | \$100.00 hr | \$250.00 |
| Total Labor For Katy Mayerson | | | | | \$1,590.00 |
| Total Expense For Katy Mayerson | | | | | \$0.00 |
| Total For Katy Mayerson | | | | | \$1,590.00 |

Sandra Mayerson

| | | | | | |
|------------|----------------------------------|--|------|-------------|------------|
| 03/05/2018 | A104 - Review/analyze | Meeting w S Fetner, DHH, and L. Patt re tax issues and restatement of taxes and subsequently joined by M. Skala [REDACTED] [REDACTED] [REDACTED] | 2.20 | \$600.00 hr | \$1,320.00 |
| 03/08/2018 | A106 - Communicate (with client) | TC with S. Fetner [REDACTED] [REDACTED] | 0.30 | \$600.00 hr | \$180.00 |
| 03/13/2018 | A111 - Other | Work on February monthly fee statement. | 0.30 | \$600.00 hr | \$180.00 |
| 03/15/2018 | A103 - Draft/revise | Work with paralegal to redact February fee statement | 0.20 | \$600.00 hr | \$120.00 |

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|-----------------------------------|---------------------|--|------|-------------|-------------|
| 03/16/2018 | A103 - Draft/revise | Revise and finalize Notice of Presentment to hire Financial advisor (.30) and attention to ECF filing of same(.10) | 0.40 | \$600.00 hr | \$240.00 |
| 03/16/2018 | A111 - Other | Attn to ECF filing of monthly fee statement | 0.20 | \$600.00 hr | \$120.00 |
| Total Labor For Sandra Mayerson | | | | | \$2,160.00 |
| Total Expense For Sandra Mayerson | | | | | \$0.00 |
| Total For Sandra Mayerson | | | | | \$2,160.00 |
| <hr/> | | | | | |
| Grand Total Labor | | | | | \$18,810.00 |
| Grand Total Expenses | | | | | \$159.15 |
| Grand Total | | | | | \$18,969.15 |
| Total Times for All Currencies: | | | | | |